

**JUDGE McKENNA**

LSK&D #: 862-7009 / 876943

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**07 CV 3773**

-----X  
ANGEL VASQUEZ,

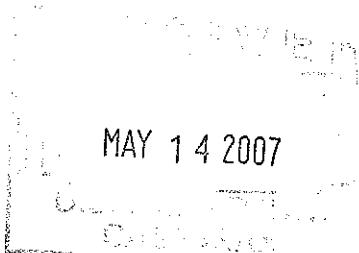
Plaintiff,

**PETITION FOR  
NOTICE OF REMOVAL**

-against-

UNITED PARCEL SERVICE, INC., DANNY M.  
CAMERON and CARLOS J. RIOS,

Defendants.

-----X  
MAY 14 2007  


**PLEASE TAKE NOTICE**, that defendant removes this action to this Court upon the following facts:

1. On or about April 5, 2007 plaintiff, a citizen of Bronx County, New York, commenced this action seeking damages for personal injuries against defendants UNITED PARCEL SERVICE, INC., DANNY M. CAMERON and CARLOS J. RIOS, in New York State Supreme Court, Bronx County under index number 13726/07 by filing a summons and complaint, Exhibit "A".
2. The defendant, Danny Cameron is a natural person residing at 68 Depot Road, Milford, Connecticut 06460. Defendant, UNITED PARCEL SERVICE is a corporation, with a principal place of business at 2349 Hubbard Avenue, Decatur, Florida 62526. On or about April 23, 2007, the plaintiff served the defendant with the summons and complaint through the New York Secretary of State pursuant to New York Vehicle and Traffic Law § 253. Exhibit "B".
3. There is complete diversity of citizenship.

4. While the complaint does not allege an *ad damnum* clause which is prohibited by New York CPLR 3017(c), it does contain allegations which indicate that the amount demanded will exceed \$75,000.

5. This is an action for wrongful death, which is defined as a "serious injury" under New York Insurance Law § 5102(d). Plaintiff alleges that he was injured and has been damaged in an amount exceeding the jurisdictional limits of all lower Courts." Exhibit "A".

6. It is alleged that the plaintiff's economic loss is "greater than basic economic loss" as defined in New York Insurance Law §5102(a). Exhibit "A", ¶26.

7. Without, in any manner conceding liability, there "appears to be a reasonable probability that the claim is in excess of the statutory jurisdictional amount." Mehlenbacher v. Akzo Nobel Salt, Inc., 216 F.3d 291, 296 (2<sup>nd</sup> Cir. 2000).

8. Therefore, this court has original jurisdiction over this matter pursuant to 28 U.S.C. Section 1332.

9. This notice is timely since it is made within thirty (30) days of service of the complaint.

10. This action is removable under 28 U.S.C. Section 1441 *et seq.* and is removed to this court.

Dated: New York, New York  
May 10, 2007

Yours, etc.

LESTER SCHWAB KATZ & DWYER, LLP



Rosemarie P. Boyd (7698)  
Attorneys for Defendants  
UNITED PARCEL SERVICE, INC. and DANNY  
MY CAMERON  
120 Broadway  
New York, New York 10271  
(212) 964-6611

TO:

Adam B. Sattler, Esq.  
EBANKS & SATLLER, LLP  
Attorneys for Plaintiff  
20 Vesey Street, Suite 503  
New York, New York 10007  
(212) 766-4411

CARLOS J. RIOS  
1125 Bryant Avenue, #114  
Bronx, New York 10459

LSK&D #: 862-7009 / 876962  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGEL VASQUEZ,

Plaintiff,

**AFFIDAVIT**

-against-

UNITED PARCEL SERVICE, INC., DANNY M.  
CAMERON and CARLOS J. RIOS,

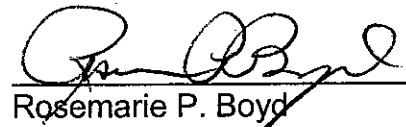
Defendants.

-----X  
STATE OF NEW YORK )  
ss.:  
COUNTY OF NEW YORK )

Rosemarie P. Boyd, being duly sworn according to law, deposes and  
says:

1. That she is one of the attorneys for United Parcel Service and  
Danny Cameron, the within named defendants; that she has read the foregoing  
Notice of Removal, and that these statements contained therein are true in  
substance and to my knowledge.

Dated: New York, New York  
May 10, 2007

  
\_\_\_\_\_  
Rosemarie P. Boyd

## **Exhibit A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

ANGEL VASQUEZ,

Plaintiff,

- against -

UNITED PARCEL SERVICE, INC.,  
DANNY M. CAMERON, and CARLOS J. RIOS,

Defendants.

X  
Index No.:  
Purchased:

13726-2007

**SUMMONS**

Plaintiff designates  
BRONX County  
as the place of trial.

The basis of venue is Plaintiff's  
residence:  
1410 Croes Avenue, Apt. 1R  
Bronx, NY 10472

**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
April 3, 2007

EBANKS & SATLLER LLP

By:

ADAM B. SATLLER  
Attorneys for Plaintiff  
20 Vesey Street, Suite 503  
New York, New York 10007  
(212) 766-4411

07 APR - 5 PM 12:06  
COUNTY CLERK  
BRONX COUNTY  
(212) 766-5899

RECEIVED

Defendants' Addresses:

Carlos J. Rios  
1125 Bryant Avenue, #14  
Bronx, New York 10459

United Parcel Service, Inc.  
c/o Corporation Service Company  
80 State Street  
Albany, NY 12207

Danny M. Cameron  
68 Depot Road  
Milford, CT 06460

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

X

ANGEL VASQUEZ,

Index No.: 13726-2007

Plaintiff,

**VERIFIED COMPLAINT**

- against -

UNITED PARCEL SERVICE, INC.,  
DANNY M. CAMERON and CARLOS J. RIOS,

Defendants.

X

Plaintiff, by his attorneys, EBANKS & SATTLER, LLP, complaining of the Defendants,  
respectfully alleges, upon information and belief, as follows:

*DKE*  
1. That at all times hereinafter mentioned, Plaintiff ANGEL VASQUEZ was  
and is a resident of the County of Bronx, State of New York.

*DKE*  
2. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS was  
and is a resident of the County of Bronx, State of New York.

*DKE*  
3. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS was  
the owner of a motor vehicle bearing Georgia registration number ATT-1548

*DKE*  
4. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS  
operated a motor vehicle bearing Georgia registration number ATT-1548.

*DKE*  
5. That at all times hereinafter mentioned, Defendant CARLOS J. RIOS  
controlled a motor vehicle bearing Georgia registration number ATT-1548.

*DKE*  
6. That at all times hereinafter mentioned, Defendant DANNY M.  
CAMERON was and still is a resident of the State of Connecticut.

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COURT CLERK  
BRONX COUNTY  
PL 125

RECEIVED

7. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON operated a motor vehicle bearing Illinois registration number P378627.

8. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON controlled a motor vehicle bearing Illinois registration number P378627.

9. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON operated said motor vehicle bearing Illinois registration number P378627 with the knowledge, consent, and permission of the owner.

10. The Defendant, DANNY M. CAMERON, was employed by the defendant, UNITED PARCEL SERVICE, INC.

11. That at all times hereinafter mentioned, Defendant DANNY M. CAMERON operated the aforesaid motor vehicle in the course of his employment.

12. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.

13. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. was and still is a foreign corporation authorized to do business in the State of New York.

14. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. was the owner of a motor vehicle bearing Illinois registration number P378627.

15. That at all times hereinafter mentioned, Defendant UNITED PARCEL SERVICE, INC. controlled a motor vehicle bearing Illinois registration number P378627.

16. That at all times hereinafter mentioned, Plaintiff ANGEL VASQUEZ was a passenger in a motor vehicle bearing Georgia registration number ATT-1548.

17. That at all times hereinafter mentioned, I-87 at its intersection with West 179<sup>th</sup> Street in the County of Bronx, State of New York was a public roadway and/or thoroughfare.

18. That on October 19, 2005, the motor vehicle owned and operated by CARLOS J. RIOS, in which Plaintiff, ANGEL VASQUEZ, was a passenger, and the motor vehicle owned by the Defendant UNITED PARCEL SERVICE, INC. and operated by the Defendant, DANNY M. CAMERON, came in contact with each other at the aforementioned location.

19. That as a result of the aforesaid contact, Plaintiff ANGEL VASQUEZ was injured.

20. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff ANGEL VASQUEZ contributing thereto.

21. That Defendants were negligent and careless in the ownership, management, maintenance, supervision, use and control of the aforesaid vehicles.

22. That by reason of the foregoing, Plaintiff ANGEL VASQUEZ sustained severe and permanent injuries, and Plaintiff ANGEL VASQUEZ was otherwise damaged.

23. The Plaintiff ANGEL VASQUEZ sustained serious injuries as defined in Subdivision d of §5102 of the Insurance Law of the State of New York.

24. That Plaintiff ANGEL VASQUEZ sustained serious injuries and economic loss greater than basic economic loss as to satisfy the exceptions of §5104 of the Insurance Law of the State of New York.

25. That this action falls within one or more of the exceptions set forth in C.P.L.R. §1602.

26. That by reason of the foregoing, Plaintiff ANGEL VASQUEZ has been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the defendants, individually and/or collectively, in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction together with the costs, interests and disbursement of this action.

Dated: New York, New York  
April 3, 2007

EBANKS & SATTNER, LLP

ADAM B. SATTNER  
Attorneys for Plaintiff  
20 Vesey Street, Suite 503  
New York, New York 10007  
(212) 766-4411

TO:

Carlos J. Rios  
1125 Bryant Avenue, #14  
Bronx, New York 10459

United Parcel Service, Inc.  
c/o Corporation Service Company  
80 State Street  
Albany, NY 12207

Danny M. Cameron  
68 Depot Road  
Milford, CT 06460

VERIFICATION

STATE OF NEW YORK )  
                         ) ss  
COUNTY OF NEW YORK )

I, the undersigned, an attorney admitted to practice in the courts of New York State, state under penalty of perjury that I am a partner in the office of EBANKS & SATTLER, LLP, attorneys for the Plaintiff, ANGEL VASQUEZ in the within action; I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: New York, New York  
April 3, 2007



ADAM B. SATTLER

*Index No. 13726/07*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

---

ANGEL VASQUEZ,

Plaintiff,

-against-

UNITED PARCEL SERVICE, INC.,  
DANNY M. CAMERON, and CARLOS J. RIOS,

Defendants.

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**SUMMONS & VERIFIED COMPLAINT**

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EBANKS & SATTLER, LLP  
20 Vesey Street, Suite 503  
New York, NY 10007  
(212) 766-4411

*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.*

*Dated: \_\_\_\_\_*

*Signed: \_\_\_\_\_*

*Service of a copy of the within*

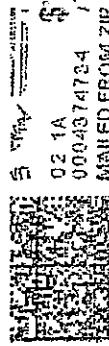
*is hereby admitted.*

*Dated: \_\_\_\_\_*

*Attorney(s) for \_\_\_\_\_*

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10002-41930495



3-UP Laser Form 47 USA CMF-073 11/03  
+ 3.697,048 + 3.848,809 +  
\* Printed 6/13/2007 \*  
USA CERTIFIED MAIL

**CERTIFIED MAIL**



PS Form 3800-6/02

**Receipt # 200704190043**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature:  Addressee or  Agent **X**

71111 5495 5563 1537 1979

**RETURN RECEIPT REQUESTED**

Article Addressed To:

UNITED PARCEL SERVICE, INC.	
C/O CORPORATION SERVICE COMPANY	
80 STATE STREET	
ALBANY, NY 12207-2543	
D. Addressee's Address (if Different from Address Used by Sender)	
Secondary Address / Suite / Apt / Floor: (Please Print Clearly)	
Delivery Address	
City	
State	
ZIP + 4 Code	

Sender:

80 STATE STREET  
C/O CORPORATION SERVICE COMPANY  
ALBANY, NY 12207-2543

DEPARTMENT OF STATE  
UNIFORM COMMERCIAL CODE  
41 STATE STREET  
ALBANY, NY 12231-0001  
DOS-1248 (11/96)

## **Exhibit B**



CORPORATION SERVICE COMPANY™

SUT / ALL

Transmittal Number: 5110308

Date Processed: 04/23/2007

## Notice of Service of Process

**Primary Contact:** SOP UPS - United Parcel  
 SOP - PowerBrief - Wilmington  
 Sop - Scan  
 Suite 400 2711 Centerville Road  
 Wilmington, DE 19808

**Copy of transmittal only provided to:** Arlette Rowe  
 Bishop Martin  
 Sarah Moore  
 Ms. Sonja Jackson

---

<b>Entity:</b>	United Parcel Service, Inc. Entity ID Number 2551213
<b>Entity Served:</b>	United Parcel Service, Inc.
<b>Title of Action:</b>	Angel Vasquez vs. United Parcel Service, Inc.
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Personal Injury
<b>Court:</b>	Bronx County Supreme Court, New York
<b>Case Number:</b>	13726-2007
<b>Jurisdiction Served:</b>	New York
<b>Date Served on CSC:</b>	04/23/2007
<b>Answer or Appearance Due:</b>	30 Days
<b>Originally Served On:</b>	NY Secretary of State on 04/17/07
<b>How Served:</b>	Certified Mail
<b>Plaintiff's Attorney:</b>	Adam B. Satler 212-766-4411

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC  
 CSC is SAS70 Type II certified for its Litigation Management System.  
 2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscinfo.com](mailto:sop@cscinfo.com)

State of New York - Department of State  
Division of Corporations

Party Served:  
UNITED PARCEL SERVICE, INC.

Plaintiff/Petitioner:  
VASQUEZ, ANGEL

C/O CORPORATION SERVICE COMPANY  
80 STATE STREET  
ALBANY, NY 12207-2543

Dear Sir/Madam:  
Enclosed herewith is a legal document which was served upon the Secretary of State on 04/17/2007 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW. This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,  
Division of Corporations

LSK&D #: 862-7009 / 876970

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
ANGEL VASQUEZ,

Index No.: 13726/07

Plaintiff,

**NOTICE OF REMOVAL**

-against-

UNITED PARCEL SERVICE, DANNY M.  
CAMERON and CARLOS J. RIOS,

Defendants.

COUNTY CLERK  
BRONX COUNTY

2007 MAY 16 AM 10:22

STATE OF NEW YORK )  
 )ss:  
COUNTY OF NEW YORK )

**Rosemarie P. Boyd**, being duly sworn according to law, deposes and says:

1. I am an associate of the firm of LESTER SCHWAB KATZ & DWYER, attorneys for defendants, UNITED PARCEL SERVICE and DANNY M. CAMERON.
2. Defendants remove this case; leave will be sought to amend the caption in this action to read as follows:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGEL VASQUEZ,

Plaintiff, **Docket No.:**

-against-

UNITED PARCEL SERVICE, DANNY M.  
CAMERON and CARLOS J. RIOS,

Defendants.

-----X  
Dated: New York, New York  
May 10, 2007

  
Rosemarie P. Boyd (RB-7698)

RECEIVED